

MICHIGAN SUPREME COURT



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COURT REFORM BILLS SIGNED; CHIEF JUSTICE CORRIGAN THANKS LEGISLATURE, GOVERNOR, FOR GIVING 'MICHIGAN CITIZENS A CHOICE'

LANSING, MI, January 3, 2003 – Bills aimed at reforming Michigan’s trial court system, which were signed by former Governor John Engler shortly before the end of 2002, “give Michigan citizens a choice,” Michigan Supreme Court Chief Justice Maura D. Corrigan said today.

“After years of study, this Court concluded that the people of Michigan should have the option of whether or not to streamline their local trial courts,” Corrigan said. “I am not only pleased, but deeply grateful, that the Legislature pursued this important issue and that former Governor Engler signed the bills.

“Our experience has been that combining circuit, probate and district courts into one trial court saves taxpayer money, makes courts more efficient, and moves cases more quickly,” Corrigan said. “This arrangement may not work everywhere in Michigan. The Court felt strongly, however, that the streamlining option should be available as a matter of local choice.”

The bills, SB 1400 and HB 6260, were introduced by former Sen. William Van Regenmorter (R-Georgetown Township) and Rep. Jim Howell (R-St. Charles). HB 6260 permits participating courts to combine circuit, probate and district courts through a “plan of concurrent jurisdiction.” SB 1400 deals with family court jurisdiction issues by giving probate judges the “power and authority” of circuit judges to hear family cases.

The legislation was drafted after the Supreme Court, in a March 7, 2002 letter, recommended that court reform be made available on a “local option” basis. The Court has not taken a position on either bill. The legislation was supported by the State Bar of Michigan, the Michigan Probate Judges Association, and the Michigan District Judges Association. The Michigan Judges Association, an organization of Michigan Court of Appeals judges and circuit judges, did not take a position either for or against the bills.

On the trial court level, Michigan has circuit, probate and district courts. Each court has jurisdiction over different kinds of cases. Based on a study initiated when Justice Michael F. Cavanagh was Chief Justice, the Supreme Court authorized “demonstration project” courts to experiment with court consolidation. In 1996, the State Court Administrative Office invited trial courts throughout the state to apply for the project. Six project courts - Barry County, Berrien County, Isabella County, Lake County, Washtenaw County, and 46th Circuit (Crawford, Otsego

and Kalkaska counties) were chosen. In 1999, Iron County became the seventh demonstration project court. In all the demonstration projects, circuit, probate and district courts were combined into one trial court. Any judge in the trial court has full authority to hear any case that comes before that court. The project courts also have the flexibility to deal with local challenges and needs. Each trial court has a single budget, as opposed to separate budgets for circuit, probate and district courts.

In a September 2001 report, the National Center for State Courts (NCSC) concluded that “All of the consolidated courts are generally making more efficient use of judicial and quasi-judicial resources ... than the pre-consolidation courts.” The courts used technology effectively and cut down on the amount of time used to resolve cases. In addition, the consolidated courts “hastened the delivery of justice to families,” the NCSC report stated.

The Michigan Legislature created the Family Division of Circuit Court, which became operative in 1998. But, almost two years earlier, the demonstration projects created family divisions to resolve cases involving families and children. The result was improved coordination of cases relating to the same family, the NCSC study concluded.

Unified trial courts have also reduced operating costs as compared with pre-consolidation courts in the same county, the NCSC report stated. In general, Michigan counties spend 40 percent of their budgets on local courts.

“Without this legislation, the demonstration project courts could not have continued to operate, and Michigan citizens would not have a choice about local court structure,” Corrigan explained.

“Moreover, SB 1400 will allow the family division of circuit court to operate without the need for continued orders of cross-assignment from this Court, which at the time were needed to allow probate judges to preside in family division cases,” Corrigan said. “My colleagues and I agree that continued orders of cross-assignment are not desirable from a constitutional standpoint. Now the family division can function without such orders.”

Corrigan noted that “it is especially critical to have the family division functioning smoothly. In 2001 alone, there were over 262,000 new family court filings, accounting for 70 percent of all new circuit court cases.

“Once again, I thank the Legislature, former Governor Engler, and everyone who supported the idea of court reform,” Corrigan said. “There were several attempts in the past to bring court reform to Michigan. I am gratified to see that those efforts have finally come to fruition.”

For more information on Trial Court Reform, please visit the Supreme Court website at <http://courts.michigan.gov/supremecourt/Press/Reorganization.htm>.

